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VERMONT WILDERNESS ACT OF 1984

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Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany H.R. 4198]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (H.R. 4198) to designate certain national forest system lands in the State of Vermont for inclusion in the national Wilderness Preservation System and to designate a national recreation area, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill (as amended) do pass.

SHORT EXPLANATION

The bill, as reported by the Committee, would designate 5 areas (totaling approximately 41,260 acres) in the Green Mountain National Forest in the State of Vermont as wilderness areas and as components of the National Wilderness Preservation System. The bill provides for the Secretary of Agriculture to administer the areas designated as wilderness by the bill in accordance with the provisions of the Wilderness Act, to promptly file maps and legal descriptions of the designated areas with appropriate committees of Congress, and to make the maps and descriptions available for public inspection.

Further, the bill contains language to ensure that National Forest System lands in the State of Vermont that were studied in the Department of Agriculture's second Roadless Area Review and Evaluation and not designated as wilderness by the bill are released for such nonwilderness uses as are deemed appropriate through the national forest management planning process. The bill also prohibits, unless expressly authorized by Congress, any further statewide roadless area review and evaluation of National Forest

System lands in Vermont for purposes of considering the wilderness suitability of such lands.

The bill would also designate approximately 36,400 acres in the Green Mountain National Forest in the State of Vermont, including 2 of the proposed wilderness areas, as the White Rocks National Recreation Area. The bill provides for the Secretary to administer the national recreation area in accordance with the provisions of the bill, to promptly file a map and legal description of the national recreation area with appropriate committees on Congress, and to develop a comprehensive management plan for the recreation area and submit the plan to appropriate congressional committees within 18 months after enactment of the bill. Federally-owned land in the national recreation area would be withdrawn from all forms of appropriation under the mineral leasing laws.

Committee Amendment

The Committee amendment to the text of the bill strikes all after the enacting clause and inserts in lieu thereof an amendment in the nature of a substitute that is technical in nature, making clarifying and other clerical changes.

The Committee amendment to the title of the bill is clerical in nature.

Purpose and Need for Legislation

The purpopse of H.R. 4198 is to designate four new wilderness areas, an addition to an existing wilderness area, and a new National Recreation Area in the Green Mountain National Forest, in the State of Vermont. The legislation results in part from a review of national forest roadless areas by the Department of Agriculture, conducted during the period 1977 through 1979 and termed the second Roadless Area Review and Evaluation (RARE II). That study examined the roadless areas of the National Forest System nationwide and, through the final environmental impact statement issued by the Department of Agriculture in January 1979, recommended designation of certain areas as wilderness areas. Two areas in Vermont were recommended for further planning in that study.

Wilderness and national recreation area designations

The 4 areas to be designated as new wilderness areas total 40,180 acres. These include the Breadloaf Mountain area, the Big Branch area, the Peru Peak area, and the George D. Aiken area. The Long Trail traverses three of the areas and the Appalachian Trail traverses two of the areas. Special use permits for private camps exist on two of the areas and will continue to be honored, including motorized access to the camps.

The 1,080-acre addition to the existing Lye Brook Wilderness established in 1975 would incorporate several miles of hiking trails into the wilderness.

The five wilderness areas would become components of the National Wilderness Preservation System. They would be managed by the Forest Service under provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136). The Wilderness Act prohibits the use of motorized equipment in a wilderness area, including motorized

hand tools such as would be used to maintain the two trails in the areas. H.R. 4198 grants an exception to this prohibition to allow such motorized equipment to be used on the trails.

WILDERNESS DESIGNATIONS

A description of the wilderness and national recreation area proposals of the bill follows:

Breadloaf Wilderness

The proposed 21,480-acre wilderness lies astride the main ridge of the Green Mountains between Middlebury Gap and Lincoln Gap and is traversed for its entire length by the popular hiking trail, the Long Trail. The area is centrally located between the major population centers of Burlington, Barre-Montpelier, and Rutland and will thus help ensure that readily accessible high quality primitive recreational opportunities are available to residents of these and other communities in the future. Overall wilderness character is enhanced by the fact that the proposed wilderness abuts the largely undeveloped and semiprimitive Granville Gulf State Reservation.

The proposed wilderness is highlighted by the 3,835-foot peak of Breadloaf Mountain and also includes Mounts Wilson, Roosevelt, Cleveland, and Grant of Vermont's Presidential Range. Most of the area lies above 2,500 feet, the altitude recognized by Vermont law as being ecologically fragile. Skylight Pond, one of the highest ponds on the State, also lies within the proposed wilderness and provides interesting opportunities for scientific research and education. Major wildlife species in the area include black bear, turkey, and deer. The cloud-combining capability of Breadloaf's high forested ridge collects large volumes of clean water for the White River watershed on the east side and the Otter Creek watershed on the west side.

During RARE II, the Breadloaf area received the highest Forest Service wilderness attributes rating in the State. Nevertheless, the final boundaries of the proposed wilderness were adjusted to exclude some timbered lands near Granville Gulf State Reservation.

Big Branch Wilderness

Located east of Route 7 between Manchester and Rutland, the 6,720-acre proposed wilderness includes several miles of the Appalachian and Long Trails. Terrain ranges from the scenic and sculpted gorge of Big Branch Brook on the north end to the high points of Baker Peak and Mt. Tabor in the central and south areas. The area provides for an interesting transition of vegetative and wildlife zones, including a large birch forest and a high elevation quaking bog. The area is popular for hiking and other forms of primitive recreation and is dominated by the rocky summit of Baker Peak which offers a spectacular vista of nearby peaks and valleys.

The boundary of the original wilderness proposal was modified to exclude a deer yard, a major north-south snowmobile trail, and Griffith Lake.

Four life tenure special use permits for camps exist on the proposed Big Branch Wilderness. The camp owners and their guests have traditionally gained access to their camps by motor vehicles. Under the bill, the Forest Service would continue to honor these rights, including established entry and exit by the conventional means used prior to the area being designated as wilderness.

Peru Peak Wilderness

This proposed 6,920-acre wilderness lies directly east of the proposed Big Branch Wilderness and consists largely of the high terrain around Styles Peak, Peru Peak, and Pete Parent Peak. The southern portion of the area is traversed by the Long and Appalachian Trails and is ideally suited for primitive recreation. Little Mud and Big Mud Pond, which lie within the proposal, contain interesting wildlife and fish habitat that will be protected for scientific study and educational purposes.

The Committee also notes that the two ponds within the proposal are stocked with fish each year by the State of Vermont. Such stocking will be permitted to continue after wilderness designation using such methods as may be necessary to practically accomplish such stocking, including periodic use of motorized equipment if practical alternatives do not exist.

Lye Brook additions

This small (1,080-acre) addition to the existing Lye Brook Wilderness contains several miles of hiking trails and wetland habitat along Branch Pond Brook.

George D. Aiken Wilderness

This 5,060-acre area is appropriately named after former U.S. Senator George D. Aiken. As the ranking Republican of the Senate Committee on Agriculture and Forestry, Senator Aiken led efforts in the early 1970's to expand the National Wilderness Preservation System in the Eastern United States. Senator Aiken and others recognized that while it is true that the bulk of the areas under consideration for wilderness in the eastern national forests had at one time or another seen human intrusion and were not in a true "virgin" forest state, favorable climatic conditions had enabled many formerly developed areas to regenerate and revert to a wild state that was more than sufficient to qualify them for inclusion in the National Wilderness Preservation System, or at least, for further wilderness study. Thus, Senator Aiken devoted his last days in Congress to securing passage of legislation to this effect, and in 1974 Congress passed the Eastern Wilderness Act (88 Stat. 2096; 16 U.S.C. 1132 note), which designated 15 eastern national forest areas as additions to the National Wilderness Preservation System and designated an additional 17 areas for further wilderness study. The Committee believes it is especially appropriate, therefore, for Congress to name a wilderness area in his home State after Senator Aiken.

The Committee further believes it would be appropriate for the Forest Service to recognize Senator Aiken's interest and dedication in any informational literature which may be published about the wilderness, as well as other measures (such as posting a plaque or

plaques at prominent entry points in the wilderness) which the Forest Service believes would commemorate Senator Aiken's devotion to the cause of eastern wilderness.

The proposed wilderness covers 5,060 acres of the watery Woodford plateau, drained by the west branch of the Deerfield River. Extensive wetlands characterize the area, reflecting the limited relief of some 300 to 600 feet. Although generally lacking the hills typical of such elevation in Vermont, most of the area lies above 2,000 feet and much is above 2,500 feet.

Beavers find this area ideal habitat, constructing innumerable ponds and flows along the many streams. These features in turn provide excellent habitat for many other kinds of wildlife, creating natural openings in the forest cover and a great deal of "edge" sought by many species. Otters, difficult to spot in most of Vermont, frequent the proposed wilderness. The proposed wilderness boundary was modified to exclude several off-road vehicle trails as well as lands adjacent to the Prospect Mountain Winter Sports Area on which cross-country ski trail grooming is performed by snowmobiles.

The Committee recognizes that there are valid existing rights for certain individuals and families to construct and occupy two camps in the proposed wilderness. Under the bill, the Forest Service would continue to honor these rights for the term of their existence, and allow access to and from these camps by conventional means used prior to the area being designated as wilderness. The Committee also notes that several ponds within the proposed area are stocked with fish each year by the State of Vermont. Such stocking will be permitted to continue after wilderness designation using such methods as may be necessary to practically accomplish such stocking, including periodic use of motorized equipment if practical alternatives do not exist.

WHITE ROCKS NATIONAL RECREATION AREA

Title II of H.R. 4198 designates a 36,400-acre White Rocks National Recreational Area (NRA). The NRA would incorporate portions of 3 roadless areas inventoried in the RARE II study plus 12,000 acres not inventoried. It surrounds and includes the Big Branch and Peru Peak Wilderness areas that would be established by the bill.

The proposed national recreation area includes many natural wonders such as the State's largest high elevation pond (Wallingford Pond), peregrine falcon hacking sites, dramatic cliffs, and numerous scenic mountain peaks. It is heavily used for primitive and semiprimitive recreation and also contains outstanding wildlife habitat.

Defining the north end of the White Rocks National Recreational Area, White Rocks Mountain possesses several outstanding characteristics. Its "white" cliff face towers above an extensive talus slope, forming a prominent landmark visible for many miles. The cliff was the last known nesting site in Vermont of the peregrine falcon, and is now being used for hacking introduced birds in an attempt to reestablish the species. The talus slope collects snow within its interior where permanent ice beds have formed. The

cooling effect of that ice creates a distinct microclimate at the foot of the slope.

Among the several water bodies in the area, the 3-lobed, 95-acre Wallingford Pond ranks as the largest undeveloped pond in Vermont. Farther south, Griffith Lake lies at 2,600 feet to rank among the highest lakes of its 16-acre size in Vermont. Little Rock Pond is somewhat lower and smaller but, with its rocky island, is probably the most popular destination on the entire Long Trail.

The area contains unique topographic and geologic features, the most prominent of which is White Rocks Mountain at the north end of the area. The Committee notes that portions of the recreation area to be designated are roaded and are under active uses not compatible with wilderness designation.

The combination of designations represented by the NRA is intended to ensure the continuation of existing recreation uses, preserve forest and acquatic habitats, and protect those special areas within the NRA and the wilderness areas lying within the NRA. The Committee notes that the House Interior and Insular Affairs Committee Report on H.R. 4198 (H. Rept. 98–533, Part 1) sets forth direction to the Forest Service on the management of the NRA. In recognition of the uniqueness of this designation and the compromises among various interest groups in the State that brought forth the NRA proposal, the Committee wishes to further elaborate on the management of the NRA.

The NRA is to be managed with special emphasis placed on: (1) maintaining existing roadless and wild values; (2) preserving existing opportunities for primitive and semiprimitive recreation; and (3) maintaining, protecting, and improving available habitat primarily for wildlife which require large remote forest tracts (e.g., bear, bobcat, fisher, pileated woodpecker, and the four-toed salamander). Management of habitat for so-called "edge species" (e.g., deer and grouse), which thrive best where frequent and intensive management occurs, shall be allowed, provided such management does not conflict with the purposes outlined in (3) above.

Further, it is the intent of the Committee that:

(1) There will be no new road construction, with the minor exception of relocating portions of existing roads for environmental reasons, or building turnouts to provide access to recreation trail heads. Existing roads, other than those shown on the official map (which are Forest Roads, 10, 20, 30, 31, 60, 253, and 301), should be closed and allowed to revegetate. Roads that are closed may be used for temporary management or administrative purposes. With regard to Forest Road 30, public access should end at Lake Brook and the road to the "seed orchard" should be used for management purposes only as long as the seed orchard project exists. The road beyond the seed orchard should be closed and allowed to revegetate.

(2) The use of all vehicles (four-wheel drives, ATVs, motorcycles, etc.) except snowmobiles, should be permitted only on forest highways shown on the official map as modified and described in (1) above. Except as specified in paragraph (3), vehicles should be prohibited in the rest of the area except as necessary for emergencies, for the protection of public health and safety, or for proper admin-

istration of the area including measures necessary in the control of fire, insects, and disease.

(3) Snowmobile use should be allowed in that portion of the NRA not designated as wilderness along existing trails and on ponds where such use is currently authorized by the Forest Service Cooperative Agreement and the Forest Service Travel Plan. The rerouting of trails is acceptable when consistent with the purposes of the NRA, including but not limited to such situations as natural occurrences that require relocation to maintain the trail system and for environmental protection. Such relocation shall be consistent with the procedures in the Forest Service Cooperative Agreement and the NRA comprehensive management plan prepared pursuant to section 204(d) of the bill. The Committee recommends that the Green Mountain National Forest Supervisor and the duly authorized representatives of Vermont snowmobile clubs meet to formulate the trail relocation procedures during the 18 months allotted for the development of the White Rocks National Recreation Management Plan.

The Committee also directs the Forest Service to develop a plan which permits snowmobile use on Forest Highway 10 during all hours on weekends in the winter or to develop an alternative access route for snowmobiles coming from Mt. Tabor to the NRA.

(4) The cutting of trees and other wildlife management activities in the NRA shall be for the purposes of maintaining, improving, or increasing habitat: (a) primarily for wildlife which require large remote forest tracts as described earlier, and (b) for so-called "edge species" as described earlier, provided that such management does not conflict with the purpose outlined in (a) above. No cutting should take place except for these purposes.

The Committee recommends that management for so-called "edge species" take place primarily in the proximity of the roads listed in paragraph (1) above. The Committee is also concerned that Forest Road 60 protrudes into the heart of the NRA and expects that management in the proximity of this road will not conflict with the above-stated goal of management for wildlife species which thrive best in large areas of old growth forest as described earlier.

Habitat management in the NRA shall be carried out using the best forestry management practices for such wildlife species and in such a manner that will not cause significant disturbance of the land surface.

(5) The cutting of trees and other recreation management activities in the NRA shall be for the purposes of maintaining, improving, or increasing a primitive or semiprimitive recreational environment, with the exception of the existing amount of vistas along Forest Road 10, and that no cutting take place except for these purposes.

Recreation management in the NRA shall be carried out using the best forestry management practices and in such a manner that will not cause significant disturbance of the land surface.

(6) Commercial timber sales made prior to the enactment of H.R. 4198 shall be honored in the same manner as if the sale area had not been included as part of the NRA. The Forest Service shall

strictly supervise all work done under existing contracts to ensure that it is consistent with the best forestry management practices.

(7) Construction activities as part of management practices, such as building log landings, shall be temporary and when the work is finished, shall be closed and allowed to revegetate.

(8) The use of boats equipped with motors should be prohibited on all ponds and lakes within the NRA.

The Committee notes that the above guidelines do not prohibit the Forest Service from making commercial sales of forest products incidental to its stated wildlife and recreation management goals and the specific intent of paragraphs (4) and (5).

Sufficiency and Release Language

Background

In 1924, when the U.S. Forest Service decided it should manage wilderness as one of the many uses to be made of the National Forest System, it established the Gila Wilderness in the Gila National Forest in New Mexico. The purpose was to keep some parts of the Nation's forests in the condition in which mankind had found them, both as scienfitic benchmarks against which civilization's works could be compared and as recreational refuges for people who wanted to temporarily get away from the stresses of civilization. During the next 40 years, the Forest Service administratively established more of these areas, mostly in the West, from which evidence of human technology and development are substantially forbidden.

In 1964, this Wilderness concept became national policy when Congress passed the Wilderness Act and established the National Wilderness Preservation System. That System incorporated the 9.1 million acres that had been set aside by the Forest Service over the previous 4 decades. Generally, the Wilderness Act specifies that within wilderness areas there will be no roads, no timber harvesting, no structures or installations, and no use of motor boats or landing of aircraft. Each wilderness area was to be an area where man was a visitor who did not remain.

The Wilderness Act gave the Forest Service 10 years to complete studies of the national forest primitive areas—areas temporarily reserved from access pending study of their suitability for wilderness designation. In addition, Congress provided that no future wilderness could be created in the national forests, except by Act of Congress. However, Congress did not preclude the management of lands within the National Forest System for primitive, roadless recreation, within the concept of multiple-use management.

As the Forest Service began its review of primitive areas within the national forests in the late 1960's to determine the suitability for wilderness designation of specific tracts, a number of problems arose in connection with established timber management plans. In many forests, after new sales were advertised, administrative protests were filed, charging that a particular sale would violate the statutory concept of multiple-use. Usually, the allegation was that the proposed sale was in an area that should be designated as wilderness or that should be devoted to unstructured recreation with

no harveting of timber. As timber sales became "tied up" in such appeals and the orderly management of the national forests disintegrated, the Forest Service instituted the first Roadless Area Review and Evaluation (RARE I) as the planning process to resolve the problems.

By 1973, RARE I had resulted in the selection of 274 wilderness study areas containing approximately 12.3 million acres. The other roadless areas in the RARE I inventory, having been considered and rejected for possible wilderness designation, were not protected as wilderness and remained in their full multiple-use status.

The National Environmental Policy Act (NEPA) became law on January 1, 1970. It required the Executive Branch, before making any major decision having a significant impact on the human environment, to prepare an assessment of the environmental impact of the proposed action. The NEPA was the basis of a lawsuit filed in 1972, as the RARE I process was nearing completion, that charged that the Forest Service must prepare environmental impact statements on roadless areas that were supposedly returned to multiple-use management. The Federal District Court for the Northern District of California agreed that the agency was subject to the decisionmaking process prescribed by NEPA, and all development activities on the roadless areas were stopped. See *Sierra Club* v. *Butz*, Civ. No. 72-1445-SC (N.D. Cal. 1972); 3 Environmental Law Reporter 20071.

As a result of restricted sources of timber supplies, tremendous pressures were placed on the remaining national forest lands that remained open to timber harvesting. In some forests, timber sale levels dropped dramatically below the allowable cuts. In other forests, timber sale levels were maintained, but sales were concentrated on lands outside the RARE I raodless areas. In these forests, the concentration of sales at the full sales volume on a limited area produced fears that these available areas would be overcut to the detriment of land and watersheds.

It was obvious that a remedy was needed for this situation, and the Forest Service decided that a faster planning process was the answer. Thus, the second Roadless Area Review and Evaluation (RARE II) was formulated to expedite the planning process for roadless areas. RARE II began in June 1977 and was intended to survey the roadless and undeveloped areas within the National Forest System and to distinguish areas suitable for wilderness designation from those most appropriate for other uses. The areas found suitable for wilderness would be recommended for addition to the National Wilderness Preservation System through congressional action. The remaining roadless lands would be allocated to nonwilderness for uses determined under the multiple-use planning process, or allocated to further study.

On April 16, 1979, President Carter made final recommendations to Congress based on the review of 2,919 identified roadless areas encompassing 62 million acres in the national forests and national grasslands. The Administration recommended that wilderness designation be given to approximately 15.1 million acres of the original 62-million acre roadless inventory. Another 10.8 million acres of roadless lands were determined to require further plannig before decisions were made on their future management. The balance of

the areas, which totaled about 36 million acres, were allotted to nonwilderness, multiple-use management.

Much litigation has occurred since the RARE II recommendations. This has had a direct bearing on congressional consideration of wilderness legislation. In June 1979, the State of California challenged the RARE II wilderness and nonwilderness allocations on National Forest System lands in that State. *California* v. *Bergland,* 483 F. Supp 465 (E.D. Cal. 1980). The State and various environmental organizations which joined the lawsuit claimed that RARE II was legally flawed. On January 8, 1980, the Federal district court agreed with the State's position, finding that the environmental statement for RARE II was deficient under the provisions of the National Environmental Policy Act. The Court ruled that a more site-specific analysis of wilderness qualities ware required for 46 of the areas allocated for nonwilderness. Additionally, the Court found flaws in the RARE II analysis process. As a result, the Court enjoined any development in the 46 disputed areas, pending preparation of an adequate environmental impact statement. The major points of the district court ruling were affirmed by the Ninth Circuit Court of Appeals. *California* v. *Block*, 690 F. 2d 753 (9th Cir. 1982).

The ruling by the Court of Appeals that the RARE II environmental impact statement was deficient had a significant impact on Forest Service activities. Although the decision applied specifically only to the 46 roadless areas in California, it was binding on other Federal district courts in the Ninth Circuit (comprising the States of California, Oregon, Washington, Idaho, Montana, Nevada, Arizona, Alaska, and Hawaii) and could be cited in States outside the Ninth Circuit's jurisdiction. The reasoning of the decision produces uncertainty regarding the RARE II study for other States. Management of roadless areas not designated as wilderness is subject to challenge through appeals and lawsuits. In fact, such challenges have occurred. There have been three lawsuits filed in the Northwest that rely extensively on *California* v. *Block.* In *Earth First* v. *Block* (Civil No. 83-6298-ME-RE, D. Oreg.), the United States District Court for the District of Oregon enjoined the Forest Service from taking or permitting any action which would be inconsistent with the wilderness character of a roadless area in Oregon until the requirements of *California* v. *Block* and the NEPA have been met. Similarly, in *Kettle Range Conservation Group* v. *Block* (Civil No. C-83-590-JLQ, E.D. Wash.), the Forest Service was enjoined from taking or permitting any action which will change the wilderness characteristics of four roadless areas in Washington. In December 1983, the Oregon Natural Resources Council brought suit against the Forest Service in an attempt to enjoin any activity which would impair the wilderness characteristics of approximately 2.25 million acres of roadless lands in Oregon until the requirements of NEPA have been met. That suit is pending. *Oregon Natural Resources Council* v. *Block,* Civil No. 83-1902, D. Oreg.

In February 1983, Assistant Secretary of Agriculture John B. Crowell, Jr., announced that all roadless areas studied for wilderness potential during RARE II would be subject to reevaluation. This reevaluation was to be done as a part of the national forest

land management planning process then underway for 120 national forest planning units and scheduled for completion in 1985.

The desire to avoid further wilderness study and to preclude litigation directed at stopping the continuation of management activities on roadless areas led to a search for a legislative solution. Provisions appearing in this bill and termed "sufficiency" and "release" language are the outcome of that search. The language has appeared in legislation designating wilderness areas in Colorado, New Mexico, Alaska, Missouri, West Virginia, and Indiana.

The status of national forest areas designated for further planning by RARE II and lying east of the 100th meridian was also placed in doubt by a case originating in North Carolina. The Eastern Wilderness Act designated certain national forest lands as wilderness and designated other lands as wilderness study areas. That Act directed the Secretary of Agriculture to review the study areas for their suitability or nonsuitability for wilderness designation and to make recommendations to the President, including recommendations for wilderness study areas. *In Southern Appalachian Multiple Use Council* v. *Bergland,* (No. A–C–80–1, W.D. N.C.), a Federal district court concluded and found, in relying on the Eastern Wilderness Act, that the Secretary had no authority to administratively designate "further planning" areas (and thereby administratively withhold any management activities in the area pending the completion of the study and determination of the area's status), but only to *recommend* areas to be designated as wilderness study areas. The court also found that the Secretary could manage the areas recommended so as not to impair their suitability for wilderness, pending congressional action. The decision has had an effect on the land managment planning process on eastern national forests (those affected by the provisions of the Eastern Wilderness Act) insofar as the evaluation of areas for wilderness suitability. Under the court's decision forest plans on national forests east of the 100th meridian cannot recommend areas for wilderness designation, rather they can only recommend to Congress that such areas be studied for their wilderness suitability.

Sufficiency and judicial review of the RARE II environmental statement

The bill contains language relating to the sufficiency of the RARE II final environmental impact statement. As previously discussed, the need for the language arises because of a Federal district court decision in *California* v. *Bergland,* supra, in which it was held that the RARE II environmental impact statement, as it applied to 46 areas considered for wilderness in California, had insufficiently considered the wilderness alternative for the areas. Activities that would impair the wilderness characteristics of the areas were enjoined until subsequent reconsideration of wilderness was completed. This action creates uncertainty over the management of some nonwilderness areas, where administrative or judicial appeals could halt some activites until adequate environmental impact statements are prepared. The Committee, in considering the bill, has reviewed the roadless areas in Vermont. It believes that the RARE II final environmental impact statement, insofar as National Forest System lands in Vermont are concerned, is sufficient,

and, therefore, the bill provides that such environmental statement shall not be subject to judicial review.

Release, management, and future wilderness consideration of non-wilderness areas

The RARE II process during 1977 through 1979 took place concurrently with the development by the Forest Service of a new land management planning process mandated by the National Forest Management Act of 1976 (NFMA). That process requires the national forest land management plans to be reviewed and revised periodically to provide for a variety of uses on the land. During the review and revision process the Forest Service is required to study a broad range of potential uses and options for each national forest. NFMA provides that the option of recommending land to Congress for inclusion in the National Wilderness Preservation System is only one of the many options that must be considered during the planning process for those lands which may be suited for wilderness designation. The Forest Service is presently developing the initial, or "first generation", plan for each national forest. These are the socalled "section 6" plans, and they are scheduled for completion by September 30, 1985. Upon implementation, these plans will be in effect for 10 to 15 years before being revised and updated.

One of the goals of RARE II was to consider the wilderness potential of National Forest System roadless areas. The Committee believes that further consideration of the wilderness option during development of the initial plans for the National Forest System roadless areas in Vermont and during the period when the initial plan is in effect would be duplicative of studies and reviews that have already been made by both the Forest Service and Congress. Therefore, the bill provides that the RARE II evaluation constitutes an adequate consideration of the suitability of these roadless areas for inclusion in the National Wilderness Preservation System and no further review by the Department of Agriculture shall be required prior to the revision of the initial land management plan for the national forest. This provision is necessary to ensure that these lands will be considered as functioning units of the national forests and has the practical effect of releasing these lands for multiple uses other than wilderness.

The NFMA provides that a national forest management plan shall be in effect for no longer than 15 years before it is revised. The Forest Service regulations, however, provide that a forest plan "shall ordinarily be revised on a 10-year cycle or at least every 15 years." (36 CFR 219.10(g)).

By tying future review of the wilderness option to revision of initial plans, the Committee intends to make it clear, consistent with the NFMA and the Forest Service regulations, that amendments to a plan, including those that might result in a significant change in a plan, would not trigger the need for reconsideration of the wilderness option. The wilderness option does not need to be reconsidered until the Forest Service determines (1) based on a review of the lands covered by a plan, that conditions in the area covered by a plan have changed so significantly that the entire plan needs to

be completely revised, or (2) that the statutory 15-year maximum life span of the plan is expiring.

A revision of a forest plan is a costly undertaking in terms of dollars and manpower and the Committee does not expect such an effort to be undertaken lightly. When required by changing conditions, the Forest Service should make every effort to address local changes in land management plans through the amendment process, reserving the revision option only for major, forest-wide changes in conditions.

For example, if a new powerline is proposed to be built across a forest, any modification of the applicable forest plan to permit the line to be built would be accomplished by an amendment, not a revision, and therefore the wilderness option would not have to be reexamined. It is only when a proposed change in management would significantly affect overall goals or uses for the entire forest that a revision would be made. An example of such a situation is the recent eruption of Mt. St. Helens. Because it affected so much of the land in the Gifford Pinchot National Forest, including the forest's overall timber harvest schedule, the necessary changes in the applicable forest plan would likely be considered a revision of the plan. In this regard, the Committee notes that in the vast majority of cases the 10- to 15-year planning cycle established by the NFMA and in the existing regulations is short enough to accommodate most changes in circumstances without triggering more frequent plan revisions. It is highly unlikely that conditions will change so dramatically during the 10- to 15-year planning cycle that anything more comprehensive than a plan amendment would be required.

It is not likely that primitive, semiprimitive, or motorized recreation use would change so rapidly over an entire national forest that the Forest Service or the Federal courts would be justified in concluding that the conditions in the forest are so significantly changed as to justify making a plan revision prior to the normal 10- to 15-year life span for the existing plan. For example, recreation use might increase in a specific area or areas resulting in changed conditions on the forest itself. In the judgment of the Forest Service, such changes could be met by amending the plan, as opposed to revising it. This is not to say that an increase in "demand" for recreation in a given area will automatically, in-and-of-itself, constitute a valid requirement for even a plan amendment. In addition, it is not the Committee's intent, nor, in the judgment of the Committee, the intent of any Federal statute, to "force" the Forest Service into either plan amendments or revisions as a result of changes in use patterns in the national forests.

The Chief of the Forest Service has indicated that, in his view, most plans will be in existence for 10 years before they are revised. The Committee shares this view and anticipates that plans will not be revised in advance of their anticipated maximum life span absent extraordinary circumstances. The Committee understands and expects that with the first generation plans to be completed by late 1985 in most cases, the time of revision for most plans will begin about 10 years from the date of implementation for each plan. Accordingly, the Committee expects that the wilderness option for any area will not be reexamined again until the plans

have been in effect for 10 years, unless the area is specifically designated as a wilderness study area by Congress.

The Committee notes that administrative or judicial appeals may mean that some of the first generation plans will not actually be implemented until the late 1980's, in which case plan revisions would not take place until a 10-year period has elapsed from the date each plan is implemented. If the full 15 years allowed by NFMA elapses before a revision is made, the wilderness option may not in some cases be reviewed until the year 2000 or later.

The question has also arisen as to whether a revision would be triggered if the Forest Service is directed by the courts to modify or rework an initial plan, or if the Forest Service withdraws an initial plan to correct technical errors or to address issues raised by an administrative appeal. The Committee wants to make it as clear as possible that any reworking of an initial plan for such reasons would not constitute a revision of the plan and would not require the reconsideration of the wilderness option for the lands covered by the plan.

This position is based on the fact that court-ordered or administrative reworkings or modifications of a plan would most likely come about to resolve inadequacies in the preparation of the plan under the requirements of NFMA and other applicable laws. Since the NFMA, and the implementing regulations, specify that a plan revision will only occur when the Secretary finds that there has been a significant change in conditions in the forest planning unit, or at least once every 10 to 15 years, it is clear that such reworking or modification would not be a revision for at least two reasons: (1) the modification would not be the result of any significant change in conditions in the forest planning unit and (2) a plan must be properly prepared and implemented before it can be revised.

The fact that the wilderness option for roadless areas will be considered in the future during the planning process raises the hypothetical argument that areas not designated for wilderness must be managed to preserve their wilderness attributes so that they may be considered for such designation in the future. This interpretation, if accepted as correct, would result in all roadless areas being kept in "de facto" wilderness status indefinitely. Such a requirement would be detrimental to the orderly management of nonwilderness lands and the goals of the Forest and Rangeland Renewable Resources Planning Act of 1974.

To eliminate any possible misunderstanding on this point, the bill provides that areas not designated as wilderness need not be managed for the purpose of protecting their suitability for future wilderness designation pending revision of the initial plans. The intent is that these lands be managed for multiple uses other than wilderness in accordance with the land management plan.

The Forest Service already has statutory authority to manage roadless areas for multiple uses other than wilderness. The Committee wishes to make clear, however, that study of the wilderness option in future generations of section 6 plans is required only for those lands that may suited for wilderness designation at the time of the development of such future plans. During the lifetime of each generation of plans, then, the forest land and other resources can, in fact, be put to the uses that are authorized in the plan. In

short, one plan will remain in effect until the second plan is implemented, and the forest will be managed in accordance with the plan that is in effect, even if such management may result in the land no longer being suited for wilderness.

Thus, it is likely that areas evaluated for wilderness suitability in one generation of plans may not physically qualify for wilderness consideration by the time the next generation of plans is prepared. For example, the Committee notes that many areas that were studied for wilderness in the RARE II, recommended for nonwilderness, and released administratively in April of 1976, may no longer qualify as suitable wilderness study areas as a result of approved multiple-use activities having been carried out.

Under this provision, it is the Committee's intent and understanding that the Forest Service may conduct a timber sale in a roadless area being managed for multiple-use purposes other than wilderness and not be challenged on the basis that the area will be spoiled for consideration as wilderness in a future planning cycle. Once into a second-generation plan, the Forest Service may, of course, manage a roadless area according to that plan without the necessity of preserving the wilderness option for the third-generation planning process. Should the particular area still qualify for possible wilderness designation at the time of the third-generation planning process, which is likely in many cases, the wilderness option for the area would be considered at that time under the requirement of NFMA. In short, the wilderness option must be considered in each future planning generation for all of areas in each planning unit that still possess the required wilderness attributes. There is no requirement, however, that these attributes be preserved for the purpose of maintaining the suitability of the affected areas for future evaluation as wilderness in the planning process.

In the Committee's judgment, the Forest Service is not required to manage multiple-use lands in a "de facto" wilderness manner. Of course, the Forest Service can, if it determines such action appropriate, manage lands to preserve their natural undeveloped characteristics if the applicable plan calls for such management. Likewise, the Forest Service can, if through the land management planning process it determines such action appropriate, provide for other multiple uses on lands that have not been designated as wilderness or as wilderness study areas by Congress. The Forest Service should be able to manage all nonwilderness lands in the manner determined appropriate through the land management planning process.

In arriving at this position, the Committee has carefully considered and balanced the wishes and concerns of many varied interest groups involved in this issue, and wishes to emphasize the vital importance of completing and implementing the forest plans in Vermont and ending the State of uncertainty over appropriate land management that now exists in the national forests.

No further statewide wilderness review

With regard to the possibility of the Forest Service undertaking future administrative reviews similar of RARE I and RARE II, since the National Forest Management Act of 1976 planning process is now in place, the Committee wishes to see the development

of any future wilderness recommendations by the Forest Service take place only through that planning process, unless Congress expressly asks for additional evaluations through authorizing legislation. Therefore, H.R. 4198 prohibits the Department of Agriculture from conducting any further statewide roadless area review and evaluation of National Forest System lands in Vermont for the purpose of determing their suitability for inclusion in the National Wilderness Preservation System. This provision would not prohibit the Forest Service from considering the wilderness option during a normal plan revision when the entire State is covered by a single plan.

Committee Consideration

HEARINGS

On Wednesday, February 1, 1984, the Subcommittee on Soil and Water Conservation, Forestry, and Environment, chaired by Senator Roger Jepsen, held a hearing on H.R. 4198.

In his opening statement, Senator Jepsen said that throughout the process of the congressional consideration of a number of wilderness bills, the question of release language has become an issue. He outlined some of the court cases involving the issue, and said that there seems to be some agreement that the release language in H.R. 4198 and others allows the land management plans to operate for at least 10 years.

Senators Robert Stafford and Patrick Leahy testified in favor of the bill, saying it represented a compromise and was a good bill for Vermont interests.

The Honorable John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment, testified on behalf of the Department of Agriculture. He said the Department opposes enactment of the bill.

Mr. Crowell said the management restrictions placed on the National Recreation Area would provide limitations on multiple-use management practices similar to the limitations which would apply if the area were designated as wilderness. He said that many of the areas designated as wilderness in the bill were not recommended for wilderness designations under the RARE II study, completed in 1979. Finally, he said the release language in the House-passed version would perpetuate the uncertainties about the land base available over the long-term for nonwilderness multiple-use activities, and that release language providing permanent or at least more long-term stability should be included.

The first panel to testify consisted of Mr. Brendan J. Whittaker, Secretary, Agency of Environmental Conservation, State of Vermont; the Honorable Robert E. Graf, Member, Vermont State House of Representatives; and the Honorable Seth Bongartz, Member, Vermont State House of Representatives. Mr. Whittaker explained that the State of Vermont had undertaken its own study and recommended that 30,000 to 32,000 acres be designated as opposed to the approximately 40,000 designated in the bill. Representatives Graf and Bongartz pointed out they had originally proposed

that less area be designated. However, all three supported the bill, but pointed out that it is a careful and delicate compromise.

Testifying on the next panel were Mr. Peter B. Smith, Vermont Wilderness Association; Mr. Seward Weber, Executive Director, Vermont Natural Resources Council; Dr. Wallace M. Elton, President, Vermont Audubon Council; Mr. Lowell Krassner, Sierra Club, Vermont Chapter; and Mr. E. Warner Shedd, National Wildlife Federation. All supported enactment of the bill.

Mr. Smith testified that the wilderness designation will increase habitat diversity and thus increase the number of wildlife species. Mr. Weber pointed out that wilderness is a practical way to maintain genetic diversity. Mr. Elton addressed the importance of the White Rocks National Recreation against mineral leasing and roadbuilding, and will provide in the future extensive wildlife habitat for species that prefer old growth forest cover generally free from human disturbance. Mr. Krassner said that the release language in the bill provides maximum flexibility for professional management of the lands and for further planning in the future. He also stated that the timber needs of Vermont can be met from private lands in Vermont. Mr. Shedd supported the bill because of concern for wildlife management and because of the importance of the national recreation area. He said he favors the soft release language in the bill. All panel members agreed that the bill is a carefully-constructed compromise.

The final panel consisted of Mr. Bruce P. Shields, Chairman, Vermont Forest Coalition; Mr. John McClaughry, Member, Vermont Forest Coalition; Mr. Peter C. Kirby, Director, Forest Management Programs, The Wilderness Society; and Mr. John Hall, Vice President for Resources, National Forest Products Association.

Mr. Shields testified against the bill, saying it would result in lost jobs from lost timber resources. However, he also indicated that with the inclusion in the Senate report of certain language that restores the original understanding of how the national recreation area lands would be managed, the Vermont Forest Coalition could accept the management proposals for that area. Mr. McClaughry opposed the bill and said claims that additional wilderness lands are needed because of the threat to lands from human use are exaggerated. He said that visits to wilderness areas are decreasing, and permanent designations of large portions of land deny the people of Vermont the right to determine how their land would be used in the future. Mr. Kirby testifyed in favor of the soft release language, and said that charges that it would force a reexamination of wilderness potential as early as 1986 are highly speculative. Mr. Hall, however, said that without some kind of clarification, the present release language greatly enlarges the opportunities for litigation challenging Forest Service decisions during the implementation of any management plan, and especially in the years in which the Forest Service is beginning work aiming toward the next plan. He recommended the Committee be very clear in its intent regarding the release language.

COMMITTEE MARKUP

The Committee met in open session on Wednesday, March 28, 1984, and considered legislation to designate certain areas in the National Forest System in the States of North Carolina, Vermont, New Hampshire, and Wisconsin, as wilderness areas, wilderness study areas, or national recreation areas.

In his opening statement, Chairman Helms noted that he had previously chaired a hearing on the North Carolina wilderness bill and that there was, as far as he was aware, agreement among interested parties regarding the areas to be designated as wilderness in that bill and in the other bills. However, the Chairman went on to point out that concerns had been raised over the release language included in the bills because it was viewed by many as not being specific enough in establishing the timing of any further wilderness review in the future.

The Chairman emphasized his desire to get the legislation passed, but cautioned that the release language issue is a matter that involves national forest policy and that goes beyond the interests of individual States.

After expressing his appreciation for Senator Jepsen's help and cooperation in holding hearings on the wilderness bills, Senator Leahy described the development of the wilderness bill for Vermont, emphasizing that the designation of wilderness areas is not national precedent-setting legislation but is instead a State matter that affects principally the residents of the State that is involved. He noted that there has been some question raised regarding the release language, but stated that the language included in the bills had been agreed to during the course of their long development process and urged the Committee to agree to that language.

Senator Jepsen observed that the wilderness bills have an unusual amount of local application. Noting that some disagreement on the release language had arisen, he pointed out that the bills had been developed with the cooperation of a great number of people, including the Forest Service. Senator Jepsen expressed his hope that the Committee would promptly report the bills to the Senate.

Senator Melcher began his remarks by reviewing the history and development of the Eastern Wilderness Act in the early 1970's. He noted that one of the most significant decisions made during that process was to include the eastern wilderness areas under the same laws as govern wilderness areas in the rest of the country—predominantly in the west. He further noted that the national forests were, by design, incorporated into a single National Forest System.

Senator Melcher next pointed out that the release language in the bills being considered by the Committee—the so-called Colorado language—was consistent with most of the wilderness bills that had been previously enacted. However, since that language was first developed, the Forest Service has begun to recognize that it has certain problems. In particular, he pointed out that the language had originally been viewed as being consistent with the principles set forth in the National Forest Management Act of 1976—that wilderness is one of the multiple uses and therefore the wilderness values of national forest lands would have to be reconsidered as part of the planning process during each of the 10- to 15-

year forest planning cycles. The problem with the language, Senator Melcher explained, is that it is not specific enough on its face to ensure the stability in the management process envisioned in the 1976 Act, and that this ambiguity can only be clarified by referring to the Committee report language that accompanied the bills when they were developed in Congress. Stating that the courts will not always look beyond the clear wording of a statute to determine the intent of Congress as expressed in Committee reports, Senator Melcher urged that the language in the bills be modified to make certain the agreed-on purpose of the release language is clear in the bills themselves—that is, that the wilderness option would be reviewed during the 10- to 15-year forest planning cycles, but not more frequently.

After an explanation of the bills, the Chief of the Forest Service, Mr. Max Peterson, was asked by the Chairman to state the Department's position on the bills pending before the Committee. Mr. Peterson began by noting that he participated in the drafting of the original Colorado release language in 1979 and, thus, was able to present the Department's current position with the benefit of 5 years of hindsight. He then explained that the release language included in the bills would result in four particular problems arising. First, as to the Vermont and New Hampshire bills, the prohibition against any further statewide roadless area review by the Forest Service would be in direct conflict with the requirements of the National Forest Management Act of 1976 that a land management plan, required to be developed at least once every 10 to 15 years, for the national forests in those States be prepared for an entire forest and include a review of the wilderness option. This conflict would result from the fact that there is only one national forest in each of those States, and, thus, the development of the required land management plan would necessarily involve the consideration of the wilderness option in connection with the entire forest in those particular States.

Second, as to the New Hampshire bill, Mr. Peterson pointed out that the release language only applies to lands that were included in the RARE II final environmental statement, but that in New Hampshire several roadless areas were excluded from RARE II. As a result, unless the release language was changed, the wilderness option for these areas would have to be reviewed in connection with the development of the initial plan.

In response to a question by Senator Leahy, Mr. Peterson indicated that the problems he had identified were technical in nature and could easily be corrected by the Committee.

The third point raised by Mr. Peterson concerned the duration of the release from wilderness review. He noted that the Department was not certain that a court, in deciding the matter in connection with a lawsuit, would in fact rely on the report language and interpret the bill to allow wilderness review only as a part of the 10- to 15-year planning cycle. This problem, he noted, could be eliminated by making it clear in the bills themselves that the release is for a 10- to 15-year period.

Fourth, Mr. Peterson stated that the release language was not clear as to how long the Forest Service would be released from managing as wilderness the areas that were not designated as wil-

derness in the bills but that might be suitable for wilderness designation at some future time.

In the discussion that followed, Mr. Peterson responded to a question about what constitutes a revision of a plan by citing a case in New Mexico where a plan was only in effect for 90 days when it was discovered to be based on erroneous information regarding timber use. The plan was withdrawn and is being redone. He noted that in that case the change to the plan would be very significant, so that it was unclear whether it involved a revision or not. Senator Melcher then noted that the Colorado release language was included in the New Mexico bill and, thus, it is possible that case could lead to a court challenge and resulting delay in implementing the new plan if the Forest Service does not review the wilderness option again.

Senator Hatch then noted that the wilderness situation varied greatly among States—particularly between Eastern States and some Western States—and that as a result he was concerned that the resolution of the release language in the pending bills not be viewed as setting a national precedent. Some discussion of this point followed during which Senator Leahy expressed his agreement with the position taken by Senator Hatch.

Senator Melcher again stated that, regardless of the desire to let individual States have their option on the matter of wilderness, it must be recognized that the bills really are national in scope. He noted that, since there is no disagreement over what the Colorado language should mean, the language of the bills should be clarified to unequivocally state that meaning.

Senator Leahy next offered two technical amendments to H.R. 4198 to add a reference to "semiprimitive" recreation in the findings and purpose relating to the designation of the White Rocks National Recreation Area. These amendments were adopted by voice vote.

After a brief discussion, Senator Jepson moved that the Committee report the Vermont wilderness bill as modified. By voice vote, the Committee agreed to report H.R. 4198, as amended, to the Senate with the recommendation that it pass.

Section-by-Section Analysis

Short title

Section 1 provides that the bill may be cited as the "Vermont Wilderness Act of 1984".

TITLE I—NEW WILDERNESS AREAS

Findings and policy

Section 101(a) contains congressional findings to the effect that in the more populous Eastern half of the United States there is an urgent need to identify and preserve wilderness areas, that certain lands in Vermont were designated as wilderness in 1975, and that additional lands in Vermont meet the definition of wilderness and are increasingly threatened by growing population, development, and uses inconsistent with the preservation of their wilderness characteristics.

Section 101(b) provides that the purpose of title I of the bill is to designate certain National Forest System lands in Vermont as additions to the National Wilderness Preservation System.

Designation of wilderness areas

Section 102 designates certain lands in the Green Mountain National Forest, Vermont, totaling approximately 41,260 acres, as wilderness areas and as components of the National Wilderness Preservation System as follows:

(1) approximately 21,480 acres, which are generally depicted on a map entitled "Breadloaf Wilderness—Proposed", dated September 1983, and which shall be known as the Breadloaf Wilderness;

(2) approximately 6,720 acres, which are generally depicted on a map entitled "Big Branch Wilderness—Proposed", dated September 1983, and which shall be known as the Big Branch Wilderness;

(3) approximately 6,920 acres, which are generally depicted on a map entitled "Peru Peak Wilderness—Proposed", dated September 1983, and which shall be known as the Peru Peak Wilderness;

(4) approximately 1,080 acres, which are generally depicted on a map entitled "Lye Brook Additions—Proposed", dated September 1983, and which are incorporated in and deemed to be part of the Lye Brook Wilderness as designated by Public Law 93-622; and

(5) approximately 5,060 acres, which are generally depicted on a map entitled "George D. Aiken Wilderness—Proposed", dated September 1983, and which shall be known as the George D. Aiken Wilderness.

Maps and descriptions

Section 103 provides that, as soon as practicable after enactment of the bill, the Secretary of Agriculture is required to file maps and legal descriptions of the areas designated as wilderness in the bill with the House Committee on Agriculture and on Interior and Insular Affairs and with the Senate Committee on Agriculture, Nutrition, and Forestry. In addition, this section provides that the maps and descriptions shall have the same force and effect as if included in the bill, except that correction of clerical and typographical errors may be made by the Secretary. The maps and descriptions must be on file and available for public inspection in the Office of the Chief of the Forest Service.

Administration of wilderness

Section 104(a) requires that, subject to valid existing rights, each of the areas designated as wilderness by the bill be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in those provisions to the effective date of that Act would be deemed to be a reference to the date of enactment of the bill.

Section 104(b) provides that nothing in title I shall be construed as affecting the jurisdiction or responsibilities of the State of Ver-

mont with respect to wildlife and fish in the national forest in Vermont.

Section 104(c) provides that, notwithstanding any other provision of law, the Appalachian and Long Trails, related structures, and associated trails in Vermont may be maintained.

Effect of RARE II

Section 105(a) contains congressional findings to the effect that the Department of Agriculture has completed the second Roadless Area Review and Evaluation (RARE II) and that Congress has made its own evaluation of National Forest System roadless areas in Vermont, including reviewing the environmental impacts associated with alternative uses of these areas.

Section 105(b) provides that Congress determines and directs, with respect to the National Forest System lands in Vermont, that—

(1) without passing on the question of the legal sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Vermont, such final environmental statement shall not be subject to judicial review;

(2) to the extent such lands were reviewed in the RARE II, that review and evaluation shall be considered to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System for the purposes of the initial land management plans required by law. Also, the Department shall not be required to review the wilderness option for such lands prior to revision of the initial land management plans and in no case prior to the statutory date for completion of the initial planning cycle;

(3) to the extent such lands were reviewed in the RARE II final environmental statement and not designated as wilderness upon enactment of the bill, such lands need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress, the Department shall not conduct any additional statewide roadless area review and evaluation of such lands for the purpose of determining the suitability of any additional areas for inclusion in the National Wilderness Preservation System, except in connection with the development or revision of a single land management plan that covers all of the National Forest System lands in Vermont.

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA

Findings and policy

Section 201(a) contains congressional findings to the effect that Vermont is a small, beautiful, and rural State located near four large metropolitan areas; that the geographic and topographic characteristics of Vermont provide opportunities for many people to enjoy the beauty of primitive areas; that the need exists in Vermont to maximize the availability of such lands for various forms of recreation; and that certain lands designated as wilderness in

title I as well as other lands in the Green Mountain National Forest, Vermont, are suitable for inclusion in a national recreation area to preserve the wilderness and wild values of, and promote wildlife habitat, watershed protection, opportunities for primitive and semiprimitive recreation, scenic, ecological, and scientific values of, such areas.

Section 201(b) provides that the purpose of title II of the bill is to designate certain National Forest System lands in Vermont as a national recreation area.

Designation of White Rocks National Recreation Area

Section 202 designates approximately 36,400 acres in the Green Mountain National Forest, Vermont, which are generally depicted on a map entitled "White Rocks National Recreation Area—Proposed", dated September 1983, as the White Rocks National Recreation Area.

Map and description

Section 203 provides that, as soon as practicable after enactment of the bill, the Secretary of Agriculture is required to file a map and legal description of the national recreation area designated by title II with the House Committees on Agriculture and on Interior and Insular Affairs and with the Senate Committee on Agriculture, Nutrition, and Forestry. In addition, this section provides that the map and description shall have the same force and effect as if included in the bill, except that correction of clerical and typographical errors may be made by the Secretary. The map and description must be on file and available for public inspection in the Office of the Chief of the Forest Service.

Administration of the national recreation area

Section 204(a) requires that, subject to valid existing rights, the White Rocks National Recreation Area designated by title II be administrated by the Secretary in accordance with the findings and purpose set forth in section 201 and the laws, rules, and regulations applicable to the national forests in a manner consistent with certain specified objectives. Such objectives include continuation of the existing primitive and semiprimitive recreation use of the area; use of natural resources in the area only in a manner consistent with title II; preservation and protection of forest and aquatic habitat for fish and wildlife; and protection and conservation of special areas having uncommon or outstanding values contributing to the public benefit.

Section 204(b) provides that, notwithstanding any other provision of law, federally-owned lands in the national recreation area are to be withdrawn from all forms of appropriation under the mineral leasing laws.

Section 204(c) requires the Secretary to permit hunting, fishing, and trapping on lands and waters under the Secretary's jurisdiction within the White Rocks National Recreation Area, in accordance with applicable laws of the United States and the State of Vermont.

Section 204(d) requires the Secretary to develop and submit to the House Committees on Interior and Insular Affairs and on Agri-

culture and to the Senate Committee on Agriculture, Nutrition, and Forestry a comprehensive management plan for the White Rocks National Recreation Area within 18 months after enactment of the bill.

Section 204(e) provides, in connection with preparing the management plan required by subsection (d), that the Secretary must provide for full public participation and must consider the views of all interested agencies, organizations, and individuals. In addition, the Secretary must also give particular emphasis to the protection and conservation of wilderness, biological, geological, recreational, historical, archeological, scientific, and other values contributing to the public benefit.

Administration Views

On February 1, 1984, Assistant Secretary of Agriculture John B. Crowell, Jr., testified before the Subcommittee on Soil and Water Conservation, Forestry, and Environment on H.R. 4198. Mr. Crowell's statement, in which he indicates that the Administration opposes enactment of H.R. 4198, follows:

Statement of John B. Crowell, Jr., Assistant Secretary for Natural Resources and Environment U.S. Department of Agriculture

Mr. Chairman and members of the committee, I am pleased to have this opportunity to present the Administration's views on H.R. 4198 that would designate additional wilderness and establish a National Recreational Area in the Green Mountain National Forest in the State of Vermont.

The Administration opposes H.R. 4198.

The State of Vermont contains approximately 5.9 million acres of which 4.5 million acres are forested. Only 294,000 acres of the forested lands are within the National Forest System. At the current time, 17,300 acres of National Forest System lands are within the National Wilderness Preservation System. H.R. 4198 would designate an additional 41,260 acres as wilderness and would establish another 36,400 acres as the White Rocks National Recreation Area. The management restrictions placed on the National Recreation Area would provide limitations on multiple use management practices similar to the limitations which would apply if the area were designated wilderness.

The second Roadless Area Review and Evaluation (RARE II) identified a total of 55,720 acres of the Green Mountan National Forest as having potential for further analysis as candidates for wilderness designation. Based on analysis of the wilderness characteristics of the areas, the moderate visitor use of already existing Vermont wilderness areas, the close proximity to large wilderness acreage in the New York Adirondack State Park, and the value of the resources to be foregone by wilderness designation, the RARE II Final Environmental Impact Statement found the areas best suited for uses other than wilderness.

The RARE II decision for Lye Brook Addition, Woodford, Griffith Lake, and Wilder Mountain (all of which in part either would be designated wilderness or National Recreation Area by this bill) was

that these areas should be managed for uses other than wilderness. This decision resulted from a low rating of the wilderness characteristics for these areas because of obvious evidence of earlier development activities. The decision rested also on the conclusion that the areas contained moderate to high resource values of the realization and benefits of which would be precluded by wilderness designation. These areas contain numerous low standard roads; established recreation use associated with vehicles is common. The areas include about 70 miles of roads and trails, of which about 20 miles are on the Forest Service Transportation System and are open to the public using automobiles and campers. Several of the remaining roads are useable in dry weather with pickups or four-wheel drives.

The previous Administration placed the Breadloaf Area, consisting of 19,850 acres, and the Devils Den Area, consisting of 8,830 acres, in further planning. H.R. 4198 would designate them as wilderness. The further planning classification for these two areas was recognition of a need for additional analysis of the wilderness attributes and the other resource values associated with the areas. This additional analysis is currently being done as a part of the Forest Land Management Plan. We believe that decisions on these areas should be deferred until the Forest Plan is completed in 1985.

The Breadloaf Area had the highest wilderness attribute rating of any of the Vermont areas inventories in RARE II. This area is composed primarily of lands above 2,500 feet in elevation on the north unit of the Green Mountain National Forest. The Long Trail traverses the length of the area, generally following the height of land. Because of the steep slops and shallow soils, road access to the area has been limited primarily to lower elevation sites. Past management of the area has emphasized dispersed recreation activities such as backpacking and cross-country skiing. Timber harvesting activities have been concentrated on the lower elevations. H.R. 4198 would expand the Breadloaf Area to 21,480 acres, compared to the 19,850 acres which were studied by RARE II. Expanding the area in this way would include lower elevation sites which are more accessible, have more evidence of past resource activities, and include higher value timber stands.

Designation of the original 19,850-acre Breadloaf Area as wilderness would result in a permanent reduction in the Forest's annual potential yield of approximately 3.5 million board feet; the immediate reduction would be 1.5 million board feet annually. The potential annual yield for the entire Forest is 31 million board feet. No significant mineral resources would be affected by designation, and recreation use would remain generally unchanged. The 1,630 acres of land that would be added to the Breadloaf Area by H.R. 4198 would result in an additional reduction in the Forest's potential yield of 250,000 board feet.

Currently, the Forest's annual timber sale program ranges from 15 to 18 MMBF. Inability to market lower valued material, high logging costs on some areas, and less than full stocking are reasons why the annual sale program is substantially below the potential yield.

The reduction of almost 4 MMBF in the Forest's annual potential yield by designation of the Breadloaf area would not have any

immediate adverse effect on the local forest product industry. It may, however, be a limiting factor in future growth in this industry as markets for small diameter roundwood are developed and expanded. Although we concur that the 19,850 acres of Breadloaf Area identified in RARE II has a high potential for wilderness, the Administration recommends that a decision on wilderness designation not be made until completion of the Forest plan.

The Devils Den further planning area had a low wilderness attribute rating and is far more accessible by existing roads and vehicular trails than is Breadloaf. We, therefore, strongly oppose designation of this area until further analysis has been completed as part of the Forest Plan.

The White Rocks National Recreation Area (NRA) to be established by the bill contains 36,400 acres, would encompass part of the Devils Den area, and most of the Wilder Mountain and Griffith Lake RARE II areas. Approximately 12,000 acres of the proposed National Recreation Area are lands which were not inventoried as part of RARE II, primarily because they were roaded and under active uses not compatible with potential wilderness designation. H.R. 4198 requires that the National Recreation Area be managed with the objectives of continuing primitive or semi-primitive recreation use, preserving wild forest and aquatic habitat for fish and wildlife, and protecting special areas having outstanding wilderness, biological, geological, recreational, cultural, historical, archeological, or scientific values. Timber cutting would be permitted only to maintain existing wildlife habitat or recreation uses. The bill specifically prohibits construction of new roads, commercial timber harvesting, all forms of mineral entry, and vehicle use except on existing system roads. Designation of the White Rocks National Recreation Area without analysis of the other values thereby forfeited as compared to the benefits derived is not appropriate.

The release language in the House-passed version of H.R. 4198 would perpetuate current uncertainties about the land base available over the long term for nonwilderness multiple use activities. There needs to be reasonable certainty over the land base available to support economic activities which generate local jobs and to the community tax base. Under the language of the bill, if a change in physical conditions or litigation results in the need to revise the Forest Plan in only, for example, 2 years, the entire roadless area review and evaluation question would again be raised. This would be extremely disruptive and a waste of Forest Service time and manpower.

If the Congress chooses to proceed at this time with designation of additional Vermont wilderness, we believe that the remaining National Forest System lands not designated as wilderness or for study should be simultaneously released by this bill from any requirement to be considered in any future National Forest plan for possible wilderness designation. The Administration, therefore, strongly recommends for any Vermont wilderness bill that the release language contained in section 105 be amended to provide permanent or at least more long-term stability to the National Forest System lands not designated by this bill or currently in the National Wilderness Preservation System.

Because H.R. 4198 would designate areas as wilderness which were not recommended by RARE II for wilderness and would designate as a National Recreation Area another area with use limitations almost as restrictive as wilderness, the Administration recommends that H.R. 4198 not be enacted.

This concludes my prepared statement. I will be happy to answer any questions you may have.

COST ESTIMATE

I.

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that the enactment of H.R. 4198, as reported, would result in a cost to the Federal Government of approximately $375,000 over the 5 fiscal years beginning with 1985. In addition, receipts from the sale of timber could be reduced by almost $500,000.

II.

In accordance with the Congressional Budget Act of 1974, the Congressional Budget Office prepared the following cost estimate, which is consistent with the Committee's cost estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 13, 1984.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4198, the Vermont Wilderness Act of 1984, as ordered reported by the Senate Committee on Agriculture, Nutrition and Forestry, March 28, 1984.

This bill designates approximately 36,400 acres of land in the Green Mountain National Forest, Vermont, as the White Rocks National Recreational Area and adds approximately 41,260 acres of land in the Green Mountain National Forest to the National Wilderness Preservation System. An overlapping section of approximately 13,640 acres is included in both designations. Based on information from the National Forest Service, we estimate that additional costs for preparing the management plan, surveying, planning and managing the designated areas will be approximately $120,000 in fiscal year 1985, $75,000 in 1986, and between $60,000 and $70,000 per year thereafter.

The provisions of the National Wilderness Preservation Act stipulate that all timber located in units of the national wilderness preservation system be removed from the timber base of the national forest in which it is located. Annual federal timber receipts forgone by enacting this legislation are estimated to be slightly less than $500,000.

The federal government makes payments to state and local governments based on the amount of receipts collected from the sale of timber on national forests. These payments would be reduced if federal timber receipts are lower.

If you wish further details on this estimate, we will be pleased to provide them.

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Sincerely,

ERIC HANUSHEK,
(For Rudolph G. Penner).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 4198. The bill would designate certain lands in the State of Vermont as components of the National Wilderness Preservation System. It would also designate certain lands in that State as a national recreation area.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

Subject to valid existing rights, the Wilderness Act prohibits future harvesting of timber and future entry for mineral extraction on lands included in the National Wilderness Preservation System. Enactment of the bill will result in approximately 41,260 acres being placed in the National Wilderness Preservation System, and, thereby, will restrict uses other than wilderness on such lands. Certain restrictions on uses will also apply in the national recreation area.

Wilderness designation will result in restricting private individuals' motorized use of public lands. Activities which have previously occurred, such as motorized access for hunting and fishing, and trail bike riding, will be terminated.

A wilderness permit may be required of individuals using certain wilderness areas and, therefore, limited personal information would be collected in administering the program. It is anticipated that the impact on personal privacy would be minimal.

The bill will not result in any significant additional paperwork or recordkeeping requirements.

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